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SUMMARY RECORD OF THE 51st MEETING

Chairman: Mr. TEIRLINCK (Belgium)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

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The meeting was called to order at 6.30 p.m.

AGENDA ITEM 107: PROGRAMME BUDGET FOR THE BIENNIUM 1994-1995 (continued)

Revised estimates under sections 3A, 3B, 3C, 4, 8, 15, 24 and 28 and income section 1 (continued)

Draft decision A/C.5/49/L.38

1. Mr. BARIMANI (Islamic Republic of Iran), Vice-Chairman, introduced on behalf of the Chairman the draft decision entitled "Revised estimates under sections 3A, 3B, 3C, 4, 8, 15, 24 and 28 and income section 1", by which the General Assembly would take note of the report of the Secretary-General on the revised estimates, would endorse the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions contained in its report, subject to the provisions of the decision, and would request the Secretary-General to review its recommendations in the context of the proposed programme budget for the biennium 1996-1997 in order to enhance and enrich programmes and activities for Africa. He trusted that the draft decision could be adopted without a vote.

2. Mr. AMARI (Tunisia), speaking on behalf of the Group of African States, asked the Controller to clarify paragraph 86 of the report of the Secretary-General contained in document A/C.5/49/44 concerning the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI), where it was proposed that an amount of $119,700 should be redeployed from the resources approved for activities related to apartheid under section 3 of the programme budget for 1994-1995 to section 15 (Economic Commission for Africa). He wished to know how the Secretariat would interpret that recommendation should the draft decision be adopted and whether the amount of $119,700 would be redeployed to UNAFRI.

3. Mr. TAKASU (Controller) said that the Secretary-General, in implementing resolutions adopted by the General Assembly, was guided strictly by the text of the resolution and the way in which the Member States which had adopted it interpreted the text. With respect to treatment of the grant proposed for the Institute, there was disagreement among Member States. In paragraph 24 of its report (A/49/7/Add.10) the Advisory Committee had recommended that, pending a policy decision on the criteria for grants to regional institutes under the regular budget, the General Assembly might wish to consider an appropriation of $119,700 to enable the Institute to continue its operations until the end of the year. Under paragraph 2 of the draft decision the General Assembly would endorse the recommendation, namely, would proceed to consider the possibility of making such an appropriation. So long as there was disagreement among Member States the Secretary-General was not authorized to redeploy the resources.

4. Mr. AMARI (Tunisia) said that in order to avoid misunderstandings he wished to propose a new paragraph in the draft decision, to read: "Decides to redeploy resources in an amount of $119,700 from section 3 of the programme budget for the biennium 1994-1995 to section 15 (Economic Commission for Africa), as requested by the Secretary-General in paragraph 86 of his report (A/C.5/49/44)".

5. Mrs. SHEAROUSE (United States of America) said that her delegation opposed inclusion of the proposed new paragraph. She proposed an amendment to the draft decision whereby the Secretary-General would be requested to determine the criteria for the treatment of grants requested by regional institutes under the regular budget and to report thereon by June. Consideration of the request for a redeployment of resources to section 15 would be deferred to the following meeting.

6. Mr. AMARI (Tunisia) said that, with respect to UNAFRI, and given the recommendation of the Advisory Committee, the amendment proposed by the United States delegation was covered by paragraph 2 of the draft decision. Since an interpretation other than that approved in informal consultations had emerged, the African States had thought it appropriate to propose a new paragraph to avoid misunderstandings.

7. Ms. BUERGO (Cuba), Mr. GOKHALE (India), Mr. SOEGARDA (Indonesia), Mr. DJACTA (Algeria), Ms. ARAGON (Philippines) and Ms. PEÑA (Mexico) supported the inclusion of a new paragraph proposed by the delegation of Tunisia.

8. Mr. TAKASU (Controller) said that the Secretariat had taken note of the recommendation of the Advisory Committee that criteria should be proposed for the funding of regional institutes under the regular budget for 1996-1997. UNAFRI no longer received support from the United Nations Development Programme (UNDP) and needed a grant to continue to operate. For 1994 a grant in an amount of $140,900 had been approved under the regular budget.

9. Mrs. SHEAROUSE (United States of America) said that her delegation regretted consideration of the matter in a formal meeting and noted that it had been evident in informal consultations that there was no agreement regarding the request for a grant for UNAFRI.

10. The CHAIRMAN appealed to the representative of the United States to join in adoption of the draft decision by consensus.

11. Mrs. SHEAROUSE (United States of America) proposed that the Committee should take up the following item while a solution was sought during the meeting.

12. Mr. AMARI (Tunisia) said that, following the various reservations expressed at the previous meeting and in informal consultations, an understanding had been reached and various amendments accepted in order to achieve a consensus. His delegation did not oppose deferral of the draft decision to the following meeting, in the hope that it could be adopted by consensus.

13. Mr. STITT (United Kingdom), on a point of order, said that he trusted that the Secretariat would make the necessary arrangements to make the text of the two amendments proposed available in writing to members of the Committee.

14. Mr. ACAKPO-SATCHIVI (Secretary of the Committee) asked the representative of the United States to submit the text of her amendment since her delegation had not formally proposed an amendment to the draft decision.

15. Mrs. SHEAROUSE (United States of America) said that she would submit the text and indicated her willingness to resolve the disagreement that had arisen during the evening.

16. The CHAIRMAN suggested that action on the draft decision should be deferred.

17. It was so decided.

AGENDA ITEM 146: FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991 (continued) (A/49/7/Add.12 and A/49/790; A/C.5/49/11 and A/C.5/49/42)

Draft resolution A/C.5/49/L.44

18. Mr. KEATING (New Zealand) said that the United Nations had been concerned with the financing of the Tribunal for almost two years, and notwithstanding many consultations, it seemed that it was not possible to reach a consensus. The Secretary-General, pursuant to his commitment authority, had already spent more than $18 million and the Tribunal had yet to fully begin its activities. Future expenditure would be even higher. A situation in which the Secretary-General and the Secretariat had authorization to enter into expenditure without there being any formal appropriation could not continue. Draft resolution A/C.5/49/L.44, co-sponsored by Canada, which was based on the report of the Secretary-General and incorporated the recommendations of the Advisory Committee, was intended to end that state of affairs.

19. The draft resolution reflected the agreements reached in informal consultations, although there remained some unresolved differences. The draft made it clear that the Tribunal would be financed from additional resources, confirmed that the General Assembly would maintain the existing special account arrangement and that funds would be appropriated and apportioned for the current biennium, specified that the apportionment of funds would be in accordance with resolution 49/19 B, stated that it was an ad hoc arrangement and that the General Assembly would consider the question of financing after two years, and lastly, raised the possibility of absorption of costs. It requested the Secretary-General to consider whether any portion of the expenses of the Tribunal could be defrayed from savings in the 1994-1995 budget and to report thereon to the General Assembly by 30 September 1995.

20. He hoped that the draft could be adopted by consensus; otherwise, a vote would be taken.

21. Ms. ROTHEISER (Austria), speaking as coordinator of the informal consultations, said that a broad degree of consensus had been reached in the consultations and that a draft resolution had been prepared. There was consensus on the text of the draft, except for two paragraphs; accordingly, she hoped at the following meeting to be able to submit a text which could be adopted by consensus.

22. Mr. BOIN (France), speaking on behalf of the European Union, said he trusted that the Committee would continue its practice of adopting decisions by consensus.

23. Ms. GOICOCHEA (Cuba) said that the failure to reach consensus on the mode of financing of the Tribunal was due to the political will and differing positions of Member States. It was therefore understandable that the New Zealand delegation had submitted a text on which a vote would be taken. Her delegation was prepared to continue to participate in the efforts to reach a consensus; if they did not bear fruit, however, the Committee secretariat should apply rules 120 and 83 of the rules of procedure and Article 18 of the Charter.

24. Mr. HANSON (Canada) said that his delegation was co-sponsoring the draft resolution because of the indispensable need to adopt at the current resumed session a decision which would endow the financing of the Tribunal with a solid and reliable base. If no consensus was reached, there would have to be a vote. His delegation continued to support the principle that Committee decisions should be adopted by consensus but considered that putting the draft resolution to a vote would neither make the rule of consensus obsolete nor run counter to the provisions of resolution 41/213.

25. The CHAIRMAN expressed the hope that the Committee would take a decision by consensus on the draft resolution at the following meeting.

AGENDA ITEM 105: REVIEW OF THE EFFICIENCY OF THE ADMINISTRATIVE AND FINANCIAL FUNCTIONING OF THE UNITED NATIONS (continued) (A/49/16 (Parts I and II), A/49/34, A/49/98 and Corr.1 and Add.1 and 2, A/49/301, A/49/336, A/49/368, A/49/418, A/49/423, A/49/449, A/49/471 and Corr.1, A/49/560, A/49/632 and A/49/633; A/C.5/49/1 and A/C.5/49/28 and Add.1)

26. Ms. PEÑA (Mexico), speaking as coordinator of the informal consultations on the subject, said that the consultations on other reports relating to the question had failed to produce an agreement which would enable a draft resolution to be submitted for adoption without a vote. However, the Committee had made considerable progress in those consultations, and she suggested that it should continue its consideration of the reports.

27. The CHAIRMAN said that it was essential for the Committee to take a decision on the subject at the following meeting.

AGENDA ITEM 108: PROGRAMME PLANNING (continued) (A/49/6, A/49/16 (Parts I and II), A/49/99 and Add.1, A/49/135 and Add.1 and A/49/301; A/C.5/49/27 and Add.1 and A/C.5/49/28 and Add.1; E/1994/4 and E/1994/19)

28. Ms. PEÑA (Mexico), speaking as coordinator of the informal consultations on the subject, said that the consultations had failed to produce an agreement which would enable a draft resolution to be submitted for adoption without a vote. She suggested that the matter should continue to be considered.

29. Ms. RODRÍGUEZ (Cuba) said that the inability to reach a decision to date was due, firstly, to repeated violations by the Secretariat of the mandates approved by Member States, the Secretariat's selective interpretation of the

decisions taken, the Secretariat's failure to brief the Chairmen of the Main Committees with regard to their role in revising the plan, and the fact that the positions adopted by a particular group of countries had been favoured. Secondly, the delay had been caused by a lack of genuine political will on the part of a group of countries to honour their commitments and those countries' selectivity in the application of programming and budgetary rules and their approach to resolutions adopted by consensus. The new procedures whose introduction was being sought would hinder every attempt at negotiation and prevent any real consensus from being reached. At the next session, a definitive decision would have to be taken on the basis of the rules governing programme planning and decision-making in the context of the General Assembly. Much of what she had said also applied to agenda item 105.

30. The CHAIRMAN said that it was essential to adopt a decision on the question and on all the documents which the Committee had before it, with the exception of the Secretary-General's report on the prototype. The Committee was waiting for a report from the Advisory Committee, whose observations and recommendations would facilitate consideration of that report. There was no point in deferring its consideration of the matter until the second resumption of the work, because by then the budget estimates for 1996-1997 would have been issued and the Committee for Programme and Coordination would have considered them at its thirty-fifth session, which was due to begin on 15 May and end on 9 June.

31. Mr. STITT (United Kingdom) said that the Committee's inability to conduct its consideration of the various aspects of the revisions to the medium-term plan proposed by the Secretary-General, despite the readiness to proceed of many delegations, was most regrettable. It was a serious matter. The Committee had had before it the Secretary-General's proposals for a period of almost six months and had not even been able to consider them all.

32. Ms. GOICOCHEA (Cuba) said that her delegation would not oppose any procedure which the Committee might decide to adopt but would point out that it had already indicated the causes of the problems standing in the way of the consideration of the revisions, including the often selective interpretation of various programmes. If the same problem was to persist in the narrative of the proposed programme budget, the month of December might come and go without there being any budget, unless the decisions were put to the vote. Her delegation hoped that, in preparing the proposed programme budget, the Secretariat would strictly apply the rules governing the programme and budgeting procedures; otherwise, grave difficulties would arise, which would be detrimental to Member States and the Organization.

33. Mr. STITT (United Kingdom) wished to know what procedural decision the Committee would take regarding the continuation of its work on agenda item 108. It might be preferable for delegations to have until the following meeting to reflect on the words of the Chairman and the somewhat surprising statement by the Cuban delegation.

34. The CHAIRMAN said the Committee had not yet reached a decision.

The meeting rose at 7.40 p.m.